

IN THE UNITED STATES OF AMERICA  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 4:14CR28
	§	Judge Crone
DAVID BROWN (1)	§	

**ELEMENTS OF THE OFFENSE**

You are charged in Count One of the Second Superseding Indictment with a violation of 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Manufacture and Distribute a mixture or substance containing a detectable amount of methamphetamine. The essential elements which must be proved beyond a reasonable doubt in order to establish a violation of that section are:

1. That you and one or more persons, in some way or manner made an agreement to commit the crime charged in the Second Superseding Indictment, that is, to possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual);
2. That you knew the unlawful purpose of the agreement and joined in it with the intent to further it; and,
3. That you knowingly and voluntarily joined in the agreement, that is, with the intent to further its unlawful purpose.

Respectfully submitted,

JOHN M. BALES  
United States Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on March 25, 2015.

\_\_\_\_\_/s/\_\_\_\_\_  
ERNEST GONZALEZ